

SECTION 4. Chapter 40A of the General Laws is hereby amended by inserting after section 3A the following section:-

Section 3B. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Commission”, the alcoholic beverages control commission, established by section 70 of chapter 10.

“Outdoor table service”, restaurant service that includes food prepared on-site and under a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area or other outdoor space.

(b) Notwithstanding the provisions of this chapter, any special permit, variance or other approval issued thereunder or any general or special law to the contrary, a city or town may approve a request for expansion of outdoor table service, including in the description of the licensed premises as described in subsection (c), or an extension of an earlier granted approval. Before such approval, the mayor, board of selectmen, select board or other chief executive officer, as established by charter or special act, shall establish the process for approving such requests. Such process shall not be required to comply with the notice and publication provisions of section 11. An approval under this section may be exercised immediately upon filing of notice thereof with the city or town clerk, without complying with any otherwise applicable recording or certification requirements.

(c) Pursuant to subsection (b), a local licensing authority may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the local licensing authority deems reasonable and proper and may issue an amended license to existing license holders, without further review or approval from the commission prior to issuance. Upon approval of an amended license, the local licensing authority shall provide notice of the amended license to the commission. Nothing in this section shall prevent the commission from exercising the commission’s enforcement authority over an amended license nor limit any appeals that can be submitted to the commission pursuant to section 67 of chapter 138.

(d) Before approving any request to extend an earlier granted approval, a city, town or local licensing authority may modify the scope of the approval as the city, town or local licensing authority deems proper and appropriate, including, but not limited to, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic or similar concerns.